

SENATE BILL 1491
By Harper

AN ACT to amend Tennessee Code Annotated, Section 40-33-211, relative to forfeitures.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-33-211, is amended by adding the following as a new, appropriately designated subsection:

(g) Notwithstanding the provisions of any other law to the contrary, including subsections (a) and (b), all revenue derived from any seizure, confiscation or sale made by county or municipal law enforcement personnel under the authority of § 53-11-451 for offenses in violation of title 53, chapter 11, parts 3 and 4 and title 39, chapter 17, part 4, shall be distributed as follows:

(1) The revenue shall be retained by the entity that was responsible for the seizure. Such revenue shall be used during each fiscal year to compensate the entity for reasonable and direct expenses involved in the confiscation, any towing, storage and sale of items forfeited. All expenses claimed by the entity shall be subject to audit and review by the comptroller of the treasury for the

purpose of determining that expenses claimed by the entity are direct and reasonable; and

(2) Seventy-five per cent (75%) of any remaining revenue shall be transmitted to the department of health no later than June 30 of each fiscal year. This revenue shall be placed in a special fund to be known as the "alcohol and drug addiction treatment fund" and shall be available to pay the cost of alcohol and drug addiction treatment for persons certified for such treatment by order of either general sessions or criminal court judges, pursuant to a plan and procedures developed by the department of health and submitted to the general assembly prior to July 1, 1998.

SECTION 2. This act shall take effect upon July 1, 2003, the public welfare requiring it.